



Senior Courts Costs Office

For litigants enquiring about the assessment of costs awarded between parties.

I have been successful in my civil court case and have been awarded costs against my opponent. We cannot reach agreement. What do I do next?

If you have been unable to agree the amount of your costs with the paying party, you may formally commence detailed assessment proceedings. This will lead to a hearing before a costs judge or authorised court officer in the Senior Courts Costs Office. The judge will, after giving each side the right to make submissions, decide the amount payable. Ultimately the court will issue a certificate which includes an order for payment by your opponent of the costs found due to you.

If I decide to start detailed assessment proceedings what do I do?

Detailed assessment proceedings are commenced by you serving on the paying party, and any other person with a financial interest in the assessment, a completed 'Notice of Commencement of Detailed Assessment' form, Form N252 together with:-

- a copy of your bill of costs
- copies of the fee notes of any barrister and any expert witness whose fees are claimed in the bill
- written evidence as to any other disbursement which is claimed and exceeds £250
- a statement giving the name and address for service of all persons upon whom you are serving the notice of commencement

You do not have to send any documents to the court at this stage.

Are there any time limits involved?

Yes. Detailed assessment should be started within three months of the court order which awards costs to you. It is; of course, open to the parties to agree time extensions between themselves or to apply to the court for one. Although the permission of the court is not required to commence detailed assessment proceedings after three months has elapsed, if you do so it is open to your opponent to apply to the court to impose a sanction, such as the disallowance of interest on your costs which you may be entitled to.

I have served the Notice of Commencement. What happens next?

Your opponent now has 21 days in which to serve on you 'Points of Dispute'. These should identify each item in your bill which is disputed, stating briefly the nature and grounds of dispute and, where practicable, suggesting a figure to be allowed for each item in respect of which a reduction is sought. It is open to you to serve 'Points in Reply' to this document within 14 days, but that is optional and you may apply to the court for a detailed assessment hearing as soon as the 'Points in Dispute' are received.

Supposing that I do not receive 'Points of Dispute' within 21 days?

If you do not receive 'Points of Dispute' within 21 days, you may apply to the court for a 'Default Costs Certificate'. You should complete the appropriate form of request and draft default certificate Forms N254 and N255 and send them to the court with the appropriate fee. The court will then issue the default costs certificate for the full amount claimed plus the court fee and send sealed copies to each party. A default costs certificate includes an order for payment by your opponent of the amount specified in the order.

'Points of Dispute' have been served and I am ready to request a hearing date. What do I do?

You need to apply for a hearing date as soon as possible, but in any event you should apply within six months of the original order awarding costs. You should complete a 'Request for Detailed Assessment Hearing' Form N258. The form makes clear what documents you need to send with it to the court. The 'document giving rise to detailed assessment' will usually be the final order or judgment of the court which awarded costs in your favour. On receipt of the completed request and enclosures, the court will fix a date for hearing of the assessment and notify all parties.

Where do I send Form N258 and are there any fees involved?

For cases in the Court of Appeal and all Divisions of the High Court (including the Family Division and the London County Court Group) the Senior Courts Costs Office is the appropriate venue for the assessment hearing. If the case was proceeding in your local county court or district registry, then the costs will be assessed there.

The court fees payable are due either when you request the court to issue a default costs certificate or when you lodge the form requesting a hearing date.

The court office will be able to inform you what the appropriate fee currently is.

It may be that you are entitled to an exemption or remission of the court fee, for example if you are on Income Support. For cases proceeding in the Senior Courts Costs Office, further information can be obtained from the Fees Office, Room E01, Royal Courts of Justice, tel: 020 7947 6756. For other cases you should contact the court at which the assessment will take place.

What happens at the assessment hearing?

At the assessment hearing the party receiving costs should be ready to justify the amount claimed and the paying party will have the opportunity to challenge any item claimed which either he has raised in his 'Points in Dispute' or any other points the costs officer gives permission to be raised. After hearing and considering the submissions of both parties, the costs officer will decide the amount to be allowed.

Who is responsible for the costs of the detailed assessment hearing?

If an offer has been made the receiving party will usually be awarded the costs. If an offer has been made the successful party will usually be awarded costs of the assessment hearing. A successful party is one whose assessed costs exceed any offer to settle which may have been made. A successful paying party is one who has made an offer to settle which exceeds the assessment costs. However, this is not an absolute rule and in certain circumstances the court may make no order for costs or award only a percentage.

Is there a right of appeal against assessment?

There is an automatic right of appeal against the assessment of an authorised court officer. There is a right of appeal against assessment by a costs judge (or district judge) only with permission which can be sought either from the judge at the hearing or from the court to whom the appeal is made. In all cases the time limit for starting an appeal is 21 days from the date of the decision being appealed.

An extension of time can be granted by the costs officer at the hearing or by the court to which the appeal lies.

Where can I get further help/assistance?

The Royal Courts of Justice Advice Bureau has offices in the RCJ in the Strand and in the Principal Registry of the Family Division in High Holborn. The bureau is an independent charity and a member of the national Citizens Advice organisation and provides free confidential, impartial legal and procedural advice and assistance to anyone who is a litigant in person in these courts. The telephone number for booking appointments is 0844 856 3534 and lines are open from 10am to 1pm Monday to Friday. Please telephone them or visit their website www.rcjadvise.org.uk for more information.

These notes are for guidance only and cannot be quoted or relied upon as authority

The Cost Rules and Practice Direction are at CPR 43–48. The Senior Courts Costs Office Guide gives more detailed information. You can get this from our website.